

## TITLE 79 – LAW ENFORCEMENT – POLICE STANDARDS ADVISORY COUNCIL

### CHAPTER 11 – FIREARMS CERTIFICATION STANDARDS

001 Purpose: (1) To establish annual firearms certification standards and procedures for all certified law enforcement officers in the state as required by State Statute 81-1412; & (2) to establish procedures governing the certification and recertification of firearms instructors in this state.

002 Scope: Applicable to all certified law enforcement officers and reserve officers actively working for Nebraska law enforcement agencies and to individuals exercising law enforcement powers under special deputy status and their respective agencies.

003 Reference: State Statutes; 81-1401, 81-1403, 81-1412 through 81-1412.02, 81-1443 and Title 79, Chapter 1, and Chapter 4.

004 General: The following rule and regulation is established to meet the requirements set forth in State Statute 81-1412 that all law enforcement and Reserve officers successfully qualify on a handgun qualification course established by the Council.

As part of this statutory mandate, the Council recognizes the need to insure that such firearms training and qualification is provided by instructors who are proficient in the use of firearms and knowledgeable in the areas of current training techniques and the legal issues surrounding the use of firearms in the performance of law enforcement duties. In order to insure that firearms training and qualification courses are conducted by qualified law enforcement instructors, the Council has established Firearm Certification and Re-certification Standards for Nebraska Firearms Instructors.

005 Procedure:

005.01 Annual Certification

005.01A Qualification Course:

(1) All appointed law enforcement officers and reserve officers employed by a law enforcement agency, and individuals exercising law enforcement duties under a special deputy status shall qualify at least once every calendar year on a fifty round handgun course as established by the Council. Only the Council-approved qualification course will be considered as the annual Handgun Course.

(2) The Council-approved course shall consist of a handgun course where the individual shoots fifty rounds of ammunition at a prescribed target which shall be the Federal Bureau of Investigation's "Q" target. The Council-approved course for annual certification is attached to this rule and regulation and is hereby incorporated into this chapter.

(3) In order for an individual to qualify on the Council-approved qualification course, the individual must receive a passing score of seventy percent or higher on the course. To calculate the qualification score, the certifying instructor shall take the number of shots fired that actually strike the "Q" portion or silhouette of the target and divide that number by the total number of shots fired during the course (i.e., 50) to derive the scoring percentage. If an individual's scoring percentage is less than seventy (70) percent, that individual has failed to qualify on the course.

(4) The status and/or limitation of an individual who fails to qualify in a calendar year shall be determined by the Council in accordance with section 008 of this chapter.

(5) The Council-approved qualification course shall only be administered and scored by qualified Nebraska Firearms Instructors who are employed by law enforcement agencies or agencies that exercise law enforcement duties conveyed upon them by state deputy sheriff status.

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- a. In order to be considered as a qualified firearms instructor, the individual must be certified as an instructor in accordance with this chapter.
- b. A certified firearms instructor may annually certify himself/herself on the Council-approved course provided the firing of the course is administered, witnessed and scored by another certified law enforcement officer who has already qualified for that calendar year on the Handgun Course.

005.01B Handguns:

- (1) Individuals shall qualify with a handgun of the same make and model as the handgun which is the primary duty handgun to be carried by the individual while he/she is on duty.
- (2) For those individuals who are not authorized to use a handgun in the performance of his/her duties, they shall qualify with only a handgun which meets Training Center standards which includes 38 caliber revolvers, 357 revolvers, 45 or 40 caliber pistols, or 9 mm or 10 mm pistols.

005.01C Agency Reporting:

- (1) The individual in charge of any agency employing law enforcement officers, regardless of whether that officer is considered full-time, part-time, or reserve, or an individual exercising law enforcement duties under a special deputy status, shall submit to the Council an Agency Handgun Qualification Report of those individuals employed by his/her agency and whether those individuals passed or failed to qualify the handgun qualification course.
  - a. Agency Handgun Qualification Reports shall be on file no later than December 31 of that calendar year. An agency will be deemed to be in a noncompliance status if the Agency Handgun Qualification Report is

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not received by the Training Center by January 7 of the next year and subject to fines for each day that the agency is deemed to be in such status. The Director shall report to the Council at its next regular meeting all of the agencies that are in a noncompliance status regardless of the reason.

(2) The Agency Handgun Qualification Report form (TC-045) shall include the following: the agency's name, the name of each appointed law enforcement officer or individual exercising law enforcement duties under a special deputy status, whether the individual passed or failed the qualification course, the name and agency of the certified instructor who administered the course, the date the qualification course was conducted, and the type of handgun the individual used for qualification, the certifying signature of the individual in charge of submitting the form and in the case of a firearms instructor's qualification, the name of the officer who witnessed and administered the course.

(3) Failure to comply with the reporting requirements will result in a fine of one hundred dollars for each day of noncompliance.

(4) The Nebraska Law Enforcement Training Center shall maintain all Agency Handgun Qualification Report forms for that calendar year. However, each law enforcement agency is responsible for the maintenance of its own handgun qualification records.

006 Instructor Certification and Recertification

006.01 The Council shall establish a training course for firearms instructors in the state of Nebraska which will be offered by the Nebraska Law Enforcement Training Center as needed. The Council-approved Firearms Instructor Course shall include, but not be limited to, the following subjects:

A. Course objectives

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- B. Range safety and commands
- C. Handgun training
- D. Basic marksmanship
- E. Techniques of instruction (students will be expected to write and present a lesson plan)
- F. Sight in
- G. Shot analysis
- H. Shooting problems
- I. Review of weapon nomenclature for revolver's, semi-automatic pistols & shotguns
- J. Care, maintenance and handgun inspection
- K. Ballistics
- L. Shooting positions
- M. Handgun shooting courses, including the Council-approved Annual Handgun Qualification Course
- N. Long gun training
- O. Night firing
- P. Practical line exercises
- Q. Exertion courses
- R. Ammunition selection
- S. Completion of written examinations and
- T. Successfully completing the Council-approved Handgun Qualification Course

006.02 A student who satisfactorily completes the Firearms Instructor's Course will be issued a certificate, which will be valid to the end of the third calendar year from the date of certification. An instructor who possesses a valid certificate can conduct and administer the State's annual Handgun Qualification Course as well as other firearms training.

006.02A Nebraska Firearms Instructor Certification may also be awarded to law enforcement officers or individuals exercising law enforcement duties under a special deputy status who have attended and successfully completed other recognized law enforcement training programs including but not limited to programs offered by the Federal Law Enforcement Training Center, or the Federal Bureau of Investigations other government training programs and

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some private training programs. Applications for this certification process are submitted to the Center. The Center shall review the application in comparison to the current certification curriculum. The application shall be placed on the Council's agenda with a recommendation for or against approval by the Director.

006.02B To be considered by the Council, the outside instructor's course must meet or exceed the Council-approved instructor's course as conducted by the Training Center. Applicants will be required to submit supporting documentation along with the request for certification. All applications will be considered on a case-by-case, individual basis.

006.03 Before the end of the third calendar year after the initial firearms instructor's certification and within every three full-calendar years thereafter, the individual instructor shall attend and successfully complete a firearms instructor's recertification course that is approved by the Council. Such recertification training is necessary in order to be continued to be recognized as a Nebraska Certified Firearms Instructor.

006.03A The Nebraska Law Enforcement Training Center will conduct the recertification course on an annual basis. The Firearms Instructor Recertification Course shall be at least twelve (12) hours in length and include, but not be limited to the following topics: course orientation, current legal issues, teaching strategies, safety and maintenance updates and open forum discussion on firearms topics.

006.03B Recertification training that is provided by an agency not affiliated with the Nebraska Law Enforcement Training Center may be considered in determining whether the individual instructor has met the recertification standard. Attendance and successful completion of training programs including, but not limited to, programs offered and conducted by Smith and Wesson Company, Glock, Inc., Federal Law Enforcement Training Center, Glynco, Georgia,

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or the Federal Bureau of Investigations may be reviewed by the Council in order to determine whether the course meets or exceeds the recertification requirements. Applications for this recertification process should be made to the Council, through the Training Center; applicants must submit supporting documentation along with the request. Each application will be considered on a case-by-case, individual basis.

006.03C If the Council determines that the recertification course offered by an outside agency meets or exceeds the Council's approved course, the instructor shall have his/her Firearms Instructor Certificate renewed for three years.

006.04 Students in either the Firearms Instructor Course or the Firearms Instructor Recertification Course must successfully complete all course assignments including scoring a seventy (70) percent on both a written examination and the prescribed handgun qualification course.

006.05 Instructors who do not successfully complete the recertification course within the prescribed time shall no longer be recognized as a firearms instructor in the state of Nebraska unless an extension has been granted by the Council pursuant to section 007. In situations where a firearms instructor's certification has lapsed and/or no extension has been granted, the individual's original Firearms Instructor's Certification becomes void and the individual must again attend and successfully complete the Firearms Instructor Course.

006.06 Every three years commencing in 1990, the Training Center, after consultation with firearms instructors in the State of Nebraska, shall make recommendations to the Council regarding curriculum revisions on the Firearms Instructor and Recertification Courses.

007 Waivers of Annual Qualification and Extensions of Instructor Recertification

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007.01 Waiver of Annual Handgun Qualification: Agency administrators or the individual officer may request that the Council grant a waiver of the annual handgun qualification requirement. The request for a waiver may be submitted on the agency qualification report to the Training Center or by letter to the Council. Persons may receive a waiver of the annual handgun qualification for an extreme hardship and/or when officers are on an extended leave of absence from the agency.

007.01A The request for waiver must include the following information:

007.01A(1) The conditions under which the waiver is being requested, for example, military duty, medical, extended leave of absence.

007.01A(2) The type of illness and or injury if the condition is medical.

007.01A(3) The date the condition first became effective and the date the condition ended if it did end in the same calendar year.

007.01B Officers who are hired on or after November 1, of the current qualification year shall not have to qualify for that calendar year, but will be required to qualify during the next calendar year.

007.01C Waivers granted by the Council shall apply to the qualification requirements for that calendar year. Continuing hardships shall require a new request for a waiver for each year.

007.01D All requests for waivers from the preceding year must be received by the Council no later than the 1<sup>st</sup> day of February of the next calendar year for consideration of the waiver request. Any submitted request will be considered at the next scheduled Council meeting.



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007.01E In all cases of requesting a waiver of the annual handgun qualification requirement or requesting an extension of the recertification deadline, the burden of proof shall be on the requesting party to establish by a preponderance of the evidence that the individual falls within the purview of the enumerated exceptions.

007.02 Extension of Recertification Qualification: An individual instructor may request an extension of the three year recertification requirement when he/she was unable to attend the Recertification Course due to active duty commitment with the armed forces, has a documented medical condition that prohibits recertification, when the agency has a demonstrated agency emergency or when the individual has an agency-approved leave of absence that prevents the instructor from attending the Recertification Course. In cases where an extension is granted, the instructor must attend the next available Recertification Course or must complete the Recertification Course or its equivalent within one year from the date of the extension. If such recertification training is not completed in that time, the individual's Firearms Instructor Certificate shall become void and no other extensions shall be granted by the Council.

008 Law Enforcement Status

008.01 An individual who does not qualify on the Council-approved Handgun Qualification Course within the calendar year or has not been granted a waiver shall have his/her law enforcement certificate or reserve certificate suspended.

008.01A The Director or designee shall report to the Council all persons who failed to qualify on the annual Handgun Qualification Course and have not requested a waiver from the Council at the Council's January meeting of that next calendar year. The Director shall suspend the certificate of any officer who has not completed the qualification course or requested a waiver after February 1<sup>st</sup>.

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008.01B The individual who fails to qualify shall continue to have his/her certification suspended until he/she successfully passes the State Handgun Qualification Course and provides supporting documentation that contains the information specified in section 005.01C(2) of this Chapter, and meets the conditions set forth in Title 79, Chapter 4, Section 004.04B(4)(a)-(d).

008.01C Makeup handgun qualifications where an officer is suspended for not completing requirements in a calendar year shall be credited to that calendar year's qualification requirements. An officer completing a makeup handgun qualification for the previous calendar year shall be required to complete an additional handgun qualification for the existing calendar year.

008.02 Decertification eligibility: Any individual who fails to qualify on the Council-approved Handgun Qualification Course for two (2) consecutive calendar years, where waivers have not been granted for those years, evidences conduct which is indicative of incompetence, neglect of duty and physical, mental and emotional incapacity to perform the duties of a law enforcement officer or reserve officer in this state and will constitute grounds for revocation of his/her law enforcement certificates as addressed in either Neb. Rev. Stat. §81-1403 and Title 79, Nebraska Administrative Code, Chapter 9.

Effective: June 26, 2005

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STATE OF NEBRASKA  
REVOLVER AND SEMIAUTO QUALIFICATION COURSE

TARGET: Two FBI Q  
AMMO: 50 rounds of handgun ammunition

Stage 1 3 yard line - Standing  
12 shots fired - two 6 round magazines

Draw and fire 1 round on first target, 2 rounds on second target and 1 round on first target in 5 seconds, holster;

Draw and fire 1 round on each target, reload and fire 1 round on each target in 15 seconds (10 for SA), holster;

Draw and fire 1 round on first target, 2 rounds on second target and 1 round on first target in 5 seconds, holster;

Stage 2 5 yard line - Standing  
12 shots fired - two 6 round magazines

Draw and fire 2 rounds on each target in 5 seconds, holster;

Draw and fire 1 round on each target, reload, and fire 1 round on each target in 15 seconds (10 for SA), holster;

Draw and fire 1 round on first target, 2 rounds on second target and 1 round on first target in 5 seconds, holster;

Stage 3 7 yard line - Standing  
12 shots fired - two 6 round magazines

Draw and fire 3 rounds on each target in 8 seconds, holster;

Draw and fire 3 rounds on each target in 8 seconds, holster;

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Stage 4                    10 yard line - Standing  
                              8 shots fired - two 4 round magazines

Draw and fire 2 rounds on each target in 6 seconds, holster; repeat

Stage 5                    15 yard line - Kneeling  
                              6 shots fired - one 6 round magazine

Draw and fire 2 rounds on each target in 8 seconds, holster;

Draw and fire 1 round on each target in 5 seconds, holster

Effective: July 3, 2000